

**CITY OF JOHNS CREEK**  
**COUNCIL MEETING**  
**January 24, 2011 @ 7:00pm**

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, January 24, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

**COUNCIL PRESENT:** Post 1-Randall Johnson-  
Post 2-Dan McCabe-**Absent**  
Post 3-Karen Richardson  
Post 4-Ivan Figueroa  
Post 5-Kelly Stewart  
Post 6-Bev Miller  
Mayor Mike Bodker

**STAFF PRESENT:** City Clerk-Joan Jones  
City Manager-John Kachmar  
City Attorney-Bill Riley

**PLEDGE OF ALLEGIANCE:** Led by Eagle Scouts William Xiao of Troop 3143, Kyle Johnston of Troop 2000 and Scout Jackson Barnes of Troop 7153.

**OPENING REMARKS:** Mayor Bodker welcomed everyone to the meeting and commended Public Works and Public Safety staff for their work during the recent snow storm. He congratulated newly elected officials recently sworn into office, State Representative Lynne Riley, Fulton County Commissioner Liz Hausmann, and Governor Nathan Deal. The Mayor commented on the new legislative session and topics that may be discussed, including budget issues and Milton County legislation; he urged citizens to keep informed. The Mayor mentioned, he attended along with several Council Members and city staff GMA's Annual Mayor's Day Conference in Atlanta. He invited everyone to the State of the City Address, February 11 at the Atlanta Athletic Club; and to the two upcoming JCPD's fundraisers benefitting Special Olympics—February 5<sup>th</sup> a "Night at Monte Carlo" at St. Ives Country Club and February 19<sup>th</sup>, the 2<sup>nd</sup> Annual Polar Bear Plunge at Lake Lanier. Mayor Bodker encouraged participation in the JCFD's "Super CPR Saturday on February 26th. In closing, the Mayor reminded business owners March 31<sup>st</sup> is the deadline to renew business tax certificates, he recognized the Communications staff on the city's innovative new Website and asked Mayor Pro Tem Miller to give a brief update on the Relay for Life Kick off.

Mayor Pro Tem Miller announced on Tuesday, January 25<sup>th</sup>, Johns Creek High School will host the kick off for the May 6<sup>th</sup> 2011 Relay for Life Event. She invited everyone to come out to the kick-off to learn more about Relay and how to get involved. This is Relay's third year in the city and she encouraged everyone to participate in some way, either by organizing teams, fund raisers, support, etc.

**MINUTES:** Council Member Johnson motioned, seconded by Council Member Richardson to approve the December 13, 2010 Work Session Summary and Council Minutes as presented. There being no discussion, the motion carried unanimously.

**MEETING AGENDA APPROVED:** Council Member Miller motioned, seconded by Council Member Stewart to amend the meeting agenda to add an EXECUTIVE SESSION to discuss four (4) legal and three (3) land use items. There being no discussion, the motion passed unanimously and the amended agenda was approved.

**PUBLIC COMMENT:** Mark Endres commented on the proposal to install an electric bike station as part of the MARTA improvement project. He cited several large cities which had similar Community bike programs which proved unsuccessful, and added the maintenance costs are too high for such limited usage. Jay Bockish spoke on behalf of the Johns Creek Community Association in support of the Traffic Study Guidelines being considered.

For clarification purposes, City Attorney Riley reminded the audience per State law, comments made during the public comment period cannot be considered as evidence or testimony by Council during deliberation of a zoning matter.

**CONSENT AGENDA:** Council Member Miller motioned, seconded by Council Member Johnson, to approve the Consent Agenda, which included, ***RESOLUTION 2011-01-01*** Approving a Proclamation for Austin Ulich of Chattahoochee High School on winning the AAAA State Championship in Cross Country and ***ACTION ITEM-*** Privileged Resolutions for Eagle Scouts William Shun Xiao of Troop 3143, Kyle Matthew Johnston of Troop 2000, and James Michael Deaton of Troop 629. There being no discussion, the motion carried unanimously and the Consent Agenda was approved.

**ANNOUNCEMENTS:** City Clerk Jones announced the following meetings:

- *Monday, 1/31/11 @ 5:00pm—Work Session*
- *Tuesday, 2/1/11 9:00am —CVB*
- *Tuesday, 2/1/11 5:00pm — RPAC*
- *Tuesday, 2/1/11 7:00pm —Planning Commission meeting has been cancelled*
- *Monday, 2/14/11 @ 5:00pm—Work Session, 7:00pm—City Council Meeting*

**REPORTS & PRESENTATIONS:** City Manager Kachmar summarized the actions taken by the city in responding to the recent snow activity, including activation of the emergency response center staffed with emergency response team. He noted early salting and prepping of the major arteries to mitigate freezing was successful and the hard work of the Public Works and Public Safety staff, who worked around the clock to address emergency issues and ensured the safety of the citizens. He commended individual staff members for their efforts.

Council Member Miller acknowledged the academic and athletic achievements of Austin Ulich and Mayor Bodker read a proclamation recognizing his AAA State Championship in Cross Country.

Council Member Richardson presented and read the following Privileged Resolution recognizing Eagle Scout William Xiao of Troop 3143.

*The City of Johns Creek recognizes William Shun Xiao of Troop 3143 on obtaining the rank of Eagle Scout. Whereas, Eagle Scout Xiao completed his community service project in which he constructed a new set of stairs for the outdoor classroom behind the Northview High School football field; and Whereas this stairway addition to the classroom provides safer and easier accessibility and it provides enjoyment to the many students and teachers at Northview High. Whereas a project like this takes many hours to complete and involves the team work of many, it eliminated a sometimes slippery and dangerous walk. Hopefully this project and Eagle Scout Xiao will inspire others to volunteer their time and talents to their community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout William Xiao and wish him well in all his future endeavors.*

Council Member Figueroa presented and read the following Privileged Resolution recognizing Eagle Scout Kyle Johnston of Troop 2000.

*The City of Johns Creek recognizes Kyle Matthew Johnston of Troop 2000 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Johnston completed his service project which was the cleaning and enhancement of the Rogers Bridge Circle cemetery grounds; and, whereas, this century old cemetery is part of Johns Creek history, this project will provide solace for family and friends while they visit their loved ones. Whereas Eagle Scout Johnston's project was funded by the community and volunteers who gave their time, and took many hours to complete; this project also brings awareness of one way we can honor our past while enriching our future. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Kyle Matthew Johnston and wish him well in all his future endeavors*

Council Member Stewart read the following Privileged Resolution into the record recognizing Eagle Scout Michael Deaton of Troop 629.

*The City of Johns Creek recognizes James Michael Deaton of Troop 629 on successfully meeting all the rank requirements for Eagle. Whereas Eagle Scout Deaton's project included organizing and leading the construction of a storage shed at the Southern Railroad Museum; and Whereas this shed provides a centralized location for storing items used for the Boy Scout Merit Badge Clinics and for educating the youth on the historical significance of the railroad in commerce, trade and travel; and Whereas Eagle Scout Deaton contributed many hours to complete this project, it demonstrates a commitment to his community and the values Scouting instills in our youth. The Mayor and Council of the City of Johns Creek now hereby recognize and applaud Eagle Scout James Michael Deaton*

Mayoral Aide Patty Hansen presented the FEMA Fire Prevention Safety Grant which will facilitate the purchase of a Fire Safety Trailer. She reported the city applied for this grant in 2009 for the same purpose but did not receive an award. Council had no objections to moving forward with the application.

**OLD BUSINESS:** No Old Business.

**NEW BUSINESS:**

**PLANNING COMMISSION APPOINTMENTS:** Mayor Bodker presented Resolution 2011-01-02 appointing the following Planning Commission members, *Steve McCain-Post D; Rose Shane-Post E, Brenda Yates-Post F, and Chip Floyd-Post G.* Council Member Johnson motioned, seconded by Council Member Richardson to approve Resolution 2011-01-02 to appoint the Planning Commission members as presented. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-01-02***)

**BOARD OF ZONING APPEALS APPOINTMENT:** Mayor Bodker presented Resolution 2011-01-03 appointing the following Board of Zoning Appeal members, *Rhonda Wilson-Post D; Bill Lopez-Post E, Eric Fragoso-Post F, and John DiPietro-Post G.* Council Member Richardson motioned, seconded by Council Member Stewart, to approve Resolution 2011-01-03 to appoint the Board of Zoning Appeal members as presented. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-01-03***)

**TRAFFIC STUDY GUIDELINES:** Traffic Engineer Tom Udell informed Council the guidelines presented incorporates Council's comments following the December 13th, Work Session, and revisions to clarify language, recommended after receiving JCCA comments. Council Member Figueroa motioned, seconded by Council Member Miller to approve Resolution 2011-01-04 to approve the revised Traffic Study Guidelines as presented. In a brief discussion, Council Member Figueroa thanked staff for their work in expanding the context of the regulations which serves to clarify the city's requirement and Mayor Bodker thanked the JCCA for their input. There being no further discussion, the motion carried unanimously. (***RESOLUTION 2011-01-04***)

**REZONING CASE 10-004-STATE BRIDGE ROAD:** Consideration of Ordinance 2011-01-01 to amend the Zoning Map for Zoning Case RZ-10-009 – Dr. Parikh Naresh - 3200 Block of Old Alabama Road - O-I Conditional to O-I Conditional - Change in conditions to amend the site plan to allow a medical office (in addition to the currently allowed assisted living facility).

Planning and Zoning Administrator Justin Kirouac reviewed the rezoning case which requests a change of conditions to allow an assisted living facility to include the addition of a medical office. He said the use is consistent with the area and staff and the planning Commission reviewed the application and recommend approval. However, Mr. Kirouac reported to Council, following the review of the application it was determined the applicant did not comply with the requirement to provide notice to the public in accordance with the Zoning Ordinance's Public Participation process, requiring notification to property owners within a quarter mile of the location. Mayor Bodker mentioned he received comments from citizens raising this issue.

Council Member Figueroa motioned, seconded by Council Member Richardson to defer consideration of Ordinance 2011-01-01 for 30 days to allow the applicant to properly complete the public participation process. In discussion, Council Member Johnson mentioned he had also received citizens comments about the notification and Council Member Miller added it is important to have all affected property owners informed. There being no further discussion, the motion carried unanimously. As a point of information, City Clerk Jones noted the next Council Meeting will be held in 35 days, on February 14.

**GREENWAY CONSTRUCTION CONTRACT BID AWARD:** Public Works Director Ken Hildebrand reported. Johnson Landscaping had the lowest bid of \$112,402.25 for construction of the Greenway, Segment 1, Part 2. Council Member Johnson motioned, seconded by Council Member Figueroa to approve the Action Item to award the construction contract to Johns Landscaping for the Greenway Segment 1 Part 2. There being no discussion, the motion carried unanimously. (*ACTION ITEM*)

**OTHER BUSINESS:** None

**PUBLIC COMMENT:** Mark Endres continued his comments on the electric bike station and stated his objections to additional MARTA stops, having public transportation in the community, noting he sees low ridership on the MARTA buses in the community and is concerned if more bus stops are added there will be additional costs to the city to support the funding.

**MAYOR'S COMMENT:** The Mayor thanked everyone for attending the meeting, and for the community input, he wished all safe travels and urged citizens to keep informed about issues at the State level.

**EXECUTIVE SESSION:** Council Member Johnson motioned, seconded by Council Member Richardson to adjourn into Executive Session to discuss four (4) litigation and three (3) land use items. There was no discussion and the motion carried unanimously.

Council Member Johnson motioned to come out of Executive Session and resume Regular Session. Council Member Miller seconded, the motion carried unanimously. There being no further business, Council Member Johnson made a motion to adjourn the meeting, Council Member Stewart seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

\_\_\_\_\_  
Michael E. Bodker, Mayor

Attest:

\_\_\_\_\_  
Joan C. Jones, City Clerk